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| 09/813,386 | 03/20/2001 | Christopher Richard Uhlik | 15685P093 | 3491 |

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EXAMINER

MEHRPOUR, NAGHMEH

| ART UNIT | PAPER NUMBER |
|----------|--------------|
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2686

DATE MAILED: 12/11/2003

18

Please find below and/or attached an Office communication concerning this application or proceeding.

TS

Office Action Summary

Application No.
09/813,386

Applicant(s)
Christopher Richard Uhlik

Examiner
Naghmeh Mehrpour

Art Unit
2686



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on Nov 10, 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

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Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-18, 22-25**, are rejected under 35 U.S.C. 102(e) as being anticipated by Fukushima et al .(US Patent 6,587,985).

Regarding **Claims 1, 13, 22**, Fukushima teaches a method comprising: a communication device establishing a wireless communication session with a remote user terminal (col 15 lines 4-8), the wireless communication session having associated therewith a first session time limit (col 14 lines 45-50, lines 63-67), the communication device **detecting a session renewal** (col 15 lines 29-38), and the communication device **altering the first session time limit** in response to detecting the session renewal (col 15 lines 12-28).

Regarding **Claims 2-3**, Fukushima teaches a method wherein the communication **device detecting a session renewal further comprises device receiving** session renewal is caused by a priority status associated with the remote user terminal (reciever end, col 15 lines 11-28).

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Regarding **Claims 4, 11, 25**, Fukushima inherently teaches a method wherein the session renewal is caused by the communication device detecting active data exchange between the remote user terminal and the, **communication device** prior to the lapse of the session time limit (col 17 lines 30-40). By checking the transmission data packets in respect to its sequence number, priority, and data reproduction time, Fukushima detect the transmission done prior lapse of the session time limit.

Regarding **Claims 5, 12**, Fukushima inherently teaches a method wherein **the communication device altering the session time limit comprising the communication device extending the session time limit by a time limit** is equal in duration to the original of the session time limit (col 18 lines 58-67). By setting a predetermined value for high priority and low priority (col 18 lines 58-61). Fukushima altering the session time limit by setting the time limit session equal to the original time limit session. Fukushima detecting the error occurrence during transmission, a retransmission request for the high priority packet is made when the next low priority packet is received (col 18 lines 58-67 col 19 lines 1-6). When the predetermined priority value is adjusted to low priority, the predetermined time limit is equal to the original time limit, and when the predetermined priority value is adjusted to high priority, the time limit session is altered.

Regarding **Claims 6-7, 14**, Fukushima inherently teaches a method wherein **communication device altering the session time limit comprises the communication device extending the the session renewal** is received by the communication device from the remote user (see figure 6, col 18 lines 58-67, col 19 lines 1-6). By setting a predetermined value for high priority and low

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priority (col 18 lines 58-61). Fukushima altering the session time limit by setting the time limit session equal to the original time limit session. Fukushima detecting the error occurrence during transmission, a retransmission request for the high priority packet is made when the next low priority packet is received (col 18 lines 58-67 col 19 lines 1-6). When the predetermined priority value is adjusted to low priority, the predetermined time limit is equal to the original time limit, and when the predetermined priority value is adjusted to high priority, the time limit session is altered.

Regarding **Claims 8, 16**, Fukushima teaches a method comprising: a communication device providing a session to a remote user terminal, the session having associated therewith a first session time limit (col 5 lines 47-59, the communication device determining whether a session renewal has been generated; and **upon lapse of the first session time limit** (col 17 lines 31-36), the communication device determining whether a session renewal has been generated; and if having determined that a session renewal has been generated, renewing the session for a second session time limit, and if having determined that a session renewal has not been generated, terminating the session (col 19 lines 1-6, col 20 lines 33-41).

Regarding **Claims 9-10**, Fukushima teaches a method wherein the communication **device determining whether a session renewal has been generated further comprises the communication device receiving** an indication of the priority status from the remote user terminal (receiver end, col 11 lines 11-28).

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Regarding **Claims 15, 17, 23**, Fukushima teaches an apparatus wherein the session management means is coupled to the timing mechanism, **and wherein the session management means 25a altering the time in response to the predetermined condition (col 19 lines 56-61) comprises the session management means indicating to the timing mechanism to delay or extend the time limit in response to the predetermined condition (col 19 lines 58-67, col 20 lines 11-32). By setting a predetermined value for high priority and low priority (col 18 lines 58-61). Fukushima altering the session time limit by setting the time limit session equal to the original time limit session. Fukushima detecting the error occurrence during transmission, a retransmission request for the high priority packet is made when the next low priority packet is received (col 18 lines 58-67 col 19 lines 1-6). When the predetermined priority value is adjusted to low priority, the predetermined time limit is equal to the original time limit, and when the predetermined priority value is adjusted to high priority, the time limit session is altered.**

Regarding **Claim 18, 25**, Fukushima teaches a method wherein **the session management means altering the time limit in response to the predetermined condition further includes the session management means detecting at least one channel utilized by the external entity for the data exchange (col 20 lines 61-67, col 21 lines 1-3). By setting a predetermined value for high priority and low priority (col 18 lines 58-61). Fukushima altering the session time limit by setting the time limit session equal to the original time limit session. Fukushima detecting the error occurrence during transmission, a retransmission request for the high priority packet is made when the next low priority packet is received (col 18 lines 58-67 col 19 lines 1-6). When the**

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predetermined priority value is adjusted to low priority, the predetermined time limit is equal to the original time limit, and when the predetermined priority value is adjusted to high priority, the time limit session is altered.

Regarding **Claim 24**, Kumar teaches an apparatus wherein the time limit is determined **based at least in part on** a quality of service (checking the error) parameter of the external entity (col 15 lines 53-62, col 23 lines 39-49).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

4. **Claims 19-21**, are rejected under 35 U.S.C. 103(a) as being unpatentable over Fukushima et al. (US Patent 5,533,025) in view of Widdergren (US Patent Number 6,374,112 B1).

Regarding **Claim 19**, Fukushima teaches an apparatus wherein the **session managment menas for altering the time limit in response to the** predetermined condition (col 21 lines 60-67, col 22 lines 1-31). Fukushima fails to teach wherein the method includes detection of **the session managment menas detecting** network congestion. However Widegren teach wherein the method includes detection of **the session managment menas detecting** network congestion (col 7 lines 35-40). Therefore, it would have been obvious to ordinary skill in the art at the time the

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invention was made to combine the above teaching of Widegren with Fukushima, in order provide better speech service with higher delay tolerance and congestion level.

Regarding **Claims 20-21**, Fukushima fails to teach an apparatus wherein network congestion is characterized at least in part by a number of session **open** channels that are active. However Widegren teaches an apparatus wherein network congestion is characterized at least in part by a number of session **open** channels that are active (Col 12 lines 12-32). Therefore, it would have been obvious to ordinary skill in the art at the time the invention was made to combine the above teaching of Widegren with Fukushima, in order provide better speech service with higher delay tolerance and congestion level.

Response to Arguments

5. Applicant's arguments with respect to claims 1-25, have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

6. **Any responses to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for formal communications indented for entry)

Or:

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(703) 308-6306, (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, Va., sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the technology Center 2600 Customer Service Office whose
telephone number is (703) 306-0377.

Any inquiry concerning this communication or earlier communication from the
examiner should be directed to Melody Mehrpour whose telephone number is (703) 308-7159.
The examiner can normally be reached on Monday through Thursday (first week of bi-week) and
Monday through Friday (second week of bi-week) from 6:30 a.m. to 5:00 p.m.

If attempt to reach the examiner are unsuccessful the examiner's supervisor,
Marsha Banks-Harold be reached (703)305-4379.

NM

Dec 9, 2003

Marsha D Banks-Harold
MARSHA D. BANKS-HAROLD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600